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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,692	03/16/2004	Gregory J. Peterson	FUT5024.04A2	3785
8156	7590	05/17/2007		
JOHN P. O'BANION O'BANION & RITCHEY LLP 400 CAPITOL MALL SUITE 1550 SACRAMENTO, CA 95814			EXAMINER KRISHNAN, MALINI	
			ART UNIT	PAPER NUMBER
			1714	
			MAIL DATE	DELIVERY MODE
			05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,692

Applicant(s)

PETERSON ET AL.

Examiner

Malini Krishnan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 98-103, 106 and 132-138 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 98-103, 106, 132-138 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The amendment filed April 3, 2007 has been received and claims 98-103, 106, 132-137 are now pending. All outstanding rejections, except those below, are withdrawn in light of applicant's amendment.
2. The text of those sections of Title 35, US Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 102

3. Claims 98-99, 101-102, 132-133, 135-136 are rejected under 35 U.S.C. 102(b) as being anticipated by Hotchkiss (845).

Hotchkiss discloses an assembly for cutting cardboard, which produces an end product of burnable log-like units formed from compacted chips of the cardboard material. The cardboard is fed into a slicing means that severs the cardboard along parallel lines into a plurality of strips. The slicing means comprises an upper and lower shaft on which a plurality of circular cutting knives is found. The knives are laterally adjacent and radially overlap approximately 1/8 inch so that as the sheet material is passed through, it is subject to a slicing action to form a plurality of strips of the cardboard material. The lower shaft rotates by use of a drive motor, and the upper shaft rotates in the opposite direction by use of a gear interconnection, and rotation of the shafts causes rotation of the circular knives (Fig. 3-4, col. 2, lines 55-68; col. 3, lines 30-68).

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Regarding instant claim 132, it is the examiner's position that the radial overlapping of the blades causes an inherent slight fraying in the cut cardboard strips. A perfect alignment of the blades would create a clean cut, but it is the examiner's position that the slight overlap would cause a difference in cut and therefore the strips would exhibit slight fraying.

Claim Rejections - 35 USC § 103

4. Claims 100, 134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotchkiss in view of Collier (722).

The discussion of Hotchkiss in paragraph 3 above is herein incorporated by reference.

Hotchkiss is silent with respect to the blades comprising a plurality of non-fluted teeth.

Collier discloses a circular blade for cutting material that comprises a plurality of aligned teeth. The teeth create a relatively narrow split or cut line, and also help prevent the edge of the blade from wearing out. It is the examiner's position that the teeth are non-fluted, because they are aligned with one another and project radially outwardly from a circumferential edge of the blade (see Fig. 3 and 4, col. 5 line 65 – col. 6, line 15).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to utilize the teeth of Collier on the blades of Hotchkiss in order to attain the advantages disclosed.

5. Claims 103, 106 and 137-138 are rejected under 35 U.S.C 103(a) as being unpatentable over Hotchkiss in view of Pool (360).

The discussion of Hotchkiss in paragraph 3 above is herein incorporated by reference.

Hotchkiss is silent with respect to (i) shaft rotating means comprises spur gears, and (ii) a lower and upper guide plate that include a plurality of slots through which cutting edges of the circular knives extend therethrough, and wherein the lower and upper guide plates form a channel therebetween for receiving and aligning cardboard sheets.

Pool discloses an assembly for cutting cardboard that produces an end product of burnable log formed from compacted chips of the cardboard. The assembly comprises a slitter assembly, which severs the feed material along parallel lines into strips, and comprises a lower assembly which includes first slitter blades and an upper slitter assembly which together form a gap through which the feed material passes and is slit into strips. The slitter blades of the lower slitter assembly are disposed on a shaft located there between to hold the blades in position. Further, the assembly includes a cover with a plurality of aligned slits, through which the blades are aligned with and extend through and protrude from the slits. It is the examiner's position that the cover acts as the instant claimed "guide plate". The shaft is mounted at its ends for rotational movement, and rotates by connection through slitter shaft bearings, spacer members, and slitter gears, slitter gear key, and bull gear and associated bull gear key held in

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place by bull gear retainer clip. The upper slitter assembly comprises a shaft about which are disposed rubber tire spacers and which is mounted for rotational movement. A spring adjustment, adjuster, cam pin, adjuster arm, and timing gear on the upper assembly serve to control the movement of the feed material. The rotational movement of the shaft causes the blades to rotate, thereby slitting the cardboard feed into strips as it passes through (col. 2, lines 50-67; col. 3, lines 1-55; Fig 1A).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to utilize the cover of Pool as a guide plate in the assembly of Hotchkiss in order to allow proper alignment of the knives.

Response to Arguments

6. Applicant's arguments, see pages 7-16, filed April 3, 2007, with respect to the rejection(s) of claim(s) 98 and 99 under 35 USC 102(b) as being anticipated by Collier, claims 98-99, 101-102 and 106 under 35 USC 103(a) as being unpatentable over Baron and Collier, claim 103 over Baron, Collier, and Vits, Claim 100 over Collier and Michalek, Claims 131-133, 135-136, 138 over Baron, Collier, and Gerber, Claim 134 over Baron, Collier, Gerber and Michalek, Claim 137 over Baron, Collier, Gerber and Vits, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as disclosed above.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malini Krishnan whose telephone number is 571-272-6519. The examiner can normally be reached on Monday through Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Malini Krishnan

MK

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